

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 5, 7, 8, 16, 20, and 21. Claims 1, 6, 14, 15, 18, and 19 have been canceled. Accordingly, claims 2-5, 7-13, 16, 17, 20, and 21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103(a)**

On Page 2 of the Office Action, the Examiner rejected claims 2-13, 15, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Soininen et al. (US 2004/0252674) in view of Ejzak (US 6,996,087). Claims 6, 15, 18, and 19 have been canceled herein. The Applicants have amended the remaining claims to better distinguish the claimed invention from Soininen and Ejzak. The Examiner's consideration of the amended claims is respectfully requested.

Although Soininen discloses setting up both a circuit switched (CS) connection and a packet switched (PS) connection between two user equipment terminals, the control functionality for this process is resident within the user equipment terminals themselves. This is shown in FIGS. 2 and 5 and discussed in the related text. Note that the descriptive signal flow diagrams in FIGS. 3, 4, and 6 show details within the terminals, but almost no details of the network. In fact, the PS nodes of the network are not shown at all since they play no role in the disclosed process.

The Applicants' claimed invention, on the other hand, uses network entities to set up the parallel CS and PS connections. Independent claim 5 has been amended to incorporate the limitations of dependent claim 6, and now clearly recites that the process of setting up the CS connection in parallel with the PS connection is performed by a SIP server and a gateway server. Soininen does not disclose or suggest a SIP server or gateway server with such functionality.

Likewise, Ejzak does not disclose or suggest a SIP server or gateway server with such functionality. Ejzak discloses a Media Gateway (MGW) and a Media Gateway

Control Function (MGCF) which enables the MGW to translate between a media flow on an IP network and bearer data on the PSTN. (Col. 5, lines 41-43). The MGW terminates CS bearer traffic from the PSTN and terminates PS media flow from the IP network. (Col. 5, lines 43-46). However, this functionality is related to a single end-to-end connection which is partly CS and partly PS. There is no teaching or suggestion in Ejzak of a server capable of setting up two end-to-end connections, one CS and one PS, between two user terminals.

Thus, all of the limitations of amended claim 5 are not disclosed or suggested in the cited combination of references, and a prima facie case of obviousness has not been established in accordance with MPEP 2143. Therefore, the withdrawal of the § 103 rejection and the allowance of amended claim 5 are respectfully requested.

Claims 2-4 and 7-13 depend from amended claim 5 and recite further limitations in combination with the novel elements of claim 5. Therefore, the allowance of claims 2-4 and 7-13 is respectfully requested.

On Page 8 of the Office Action, the Examiner rejected claims 16, 17, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ejzak in view of Soininen. The Applicants respectfully disagree.

Independent claim 16 recites a SIP server, which includes means for causing at least one circuit switched conversational bearer to be set up in parallel with a packet switched session. As noted above, a SIP server with this functionality is not taught or suggested by Ejzak or Soininen. Likewise, independent claim 17 recites a gateway server, which includes means for receiving from the SIP server, signaling instructing the setting up of a circuit switched call over the circuit switched access network with a user terminal; and means for setting up the circuit switched call in parallel with a packet switched session. As noted above, a gateway server with this functionality is not taught or suggested by Ejzak or Soininen. Therefore, the allowance of claims 16 and 17 is respectfully requested.

Claims 20 and 21 depend from claim 16 and 17, respectively, and recite further limitations in combination with the novel elements of claims 16 and 17. Therefore, the allowance of claims 20 and 21 is respectfully requested.

**3.) Prior Art Not Relied Upon**

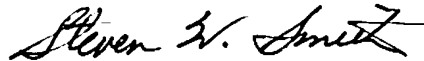
On Page 12 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. The Applicants' reading of these references, however, has not revealed any teaching or suggestion of the invention as recited in the amended claims herein.

**4.) Conclusion**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-5, 7-13, 16, 17, 20, and 21.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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